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THE  
VICTORIOUS STROKE  
FOR  
*OLD ENGLAND;*

All PREACHERS make all HEARERS one  
Man against her Enemies, and down  
*JERICH O:*

Explain'd and Enforc'd in several Remarkable  
DISCOURSES, occasion'd by a Case, interesting  
every Man in *Britain*, of a Preacher in *Lon-*  
*don*, here fully clear'd and vindicated, and the  
Rights of the Country concisely demonstrated :

Necessary to be perus'd, not only by all Preachers,  
but Magistrates, Jury-men, Lawyers, Evidences,  
Political Writers, Scholars, and all Gentlemen and  
Ladies, who would form an exact Idea of what is  
strictly meant by Writing or Speaking for or against  
the Government of a Free Nation :

To which is prefixed,

A Pathetic Short ADDRESS to Jury-men.

43-4-6-389

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# TO JURYMEN.

GENTLEMEN,

**T**HE Office, Rights, and Character of Rational Preachers, are most Important, Estimable, and Divine: your own, your Families, and your Country's Security and Privileges, Liberty and Property, Lives and Fortunes, are peculiarly involv'd and interested, in treating them with the utmost Candour and Equity; in not being byass'd or turn'd against them by Hear-say, Prejudice, Scandal, Malice, Ignorance, or any Sinister or Lucrative Design. Hear them fairly, attend to their Principles, and let your invariable Guide be the Truth, the whole Truth, and nothing but the Truth. They always had, and will have the greatest Power of any Order of Men, to assert and advance the Dignity, Happiness, and Perfection of Humane Nature; and of any Social or Civil Constitution, to heal its Wounds, and recover its Glory: They, of all Men, ought not to be Slaves to Immoral Politicians, Bishops, or Parties. Assist and encourage them, and their Independence, Gentlemen, in their full and boldest Discharge of so Arduous and Sublime a Function; compar'd with which, the Liberty of the Press is no Natural Right, but in some Respects injurious; their's is a Natural, Civil, and Divine Right in the highest Degree; the Bible, rationally apply'd, the Maxims and Grounds of Law, and, if Revelation be allow'd, MAGNA CHARTA, are their Sword of the Spirit, and Shield of Faith. Were you to be influenc'd by Pique, Hope, Fear, or Fallacy, against a Preacher, to violate your Oath, as Jury-men, you would be so far from meriting of the Government, or promoting your own Advantage, that you would be the greatest Enemies to both, by provoking and authorising all to treat both in the like manner, and forfeiting all future Right to Truth or Justice, Honesty or Good-will, from any Man. Let no Ill-intention'd or Iniquitous Superiors, Equals, or Inferiors, Friends or Foes, Judges, Justices, or Counsellors, by Intimidating, Cajoling, or Sophistical Efforts, erroneously incline you against them; and God, Angels and Men, your Consciences, and your Country will repay you ten thousand fold into your Bosom.



# St. PAUL's Treatment and Apology.

43-4-6-389

Acts xxv. 7, 8. *They laid many and grievous Complaints against Paul, which they could not prove: While he answer'd for himself, Neither against the Law of the Jews, neither against the Temple, nor yet against Cæsar, have I offended any thing at all.*

— xxvi. 1. *Agrippa said unto Paul, Thou art permitted to speak for thyself; then Paul stretched forth the Hand, and answer'd for himself.*

**I**N this last Verse we have an Authority for *Action* in publick Speaking and Preaching, in the Example of *St. Paul*: a Proof, it is not, in itself, Theatrical; and that it may not only be us'd without Sin or Indecency, but with Propriety and Force.

There never was an Instance of a leading Preacher, on a Religion that appear'd *new* in the World, who did not meet with great Difficulties; and yet those Difficulties prov'd of service to his Religion: *St. Paul* is a strong Instance of this: He preach'd boldly, encreas'd in Strength; the *Jews* took counsel, laid wait, and watch'd the Gates Day and Night to kill him: his Enemies contradicted, and blasphem'd, *i. e.* scandaliz'd him, stir'd up the devout and honourable Women, made a Party among the Ladies of Condition, who were of a different Persuasion, and learned Divines,

and with the chief Men of the City, the People of the first Rank, the Magistrates, rais'd Persecution against *Paul* and *Barnabas*, and expell'd them out of their Coasts; stir'd up the *Gentiles*, and made their Minds *evil-affected, disaffected* towards the Brethren; for Men may be *disaffected* to one another; made an *Assault*, both with *Gentiles* and *Jews*, with their Rulers, to use them despitefully, and to stone them; and when the Masters of Divination saw, that the Hope of their Gains was gone, by *Paul's* casting out the Spirit of *Sooth-saying*, they caught *Paul* and *Silas*, and drew them unto the Rulers, had them before the Magistrate, saying, these Men being *Jews*, do exceedingly trouble our City, and teach Customs, which are not lawful for us to receive, neither to observe, being *Romans*.

But they mistook, for they were not *Jews* but *Christians*; then the *Romans* did not know the difference: Ignorance is often the Cause of Persecution: and they put them in hold, after beating them openly uncondemn'd.

Others, mov'd with Envy, took unto them certain lewd Fellows of the baser Sort, gather'd a Company, set all the City in an Uproar, and assaulted the House of *Jason*. This is a Picture something like what certain Persons about this City have acted and met with.

They said of *Paul* and *Silas*, that they turn'd the World upside down; laid the *Disorder* on them; they charg'd them with doing contrary to the Decrees of *Cæsar*, *Acts* xvii. 7. saying, that there is another King, one *Jesus*, and troubled the People, and the Rulers represented them as Persons disaffected: And *Acts* xviii. 12. when *Gallio* was Deputy of *Achaia*, the *Jews* made Insurrection with one accord against *Paul*, and brought him to the Judgment-seat; saying, this *Fellow*, (which was

was more *vulgar* than *polite*) persuaded Men to worship God contrary to the Law : but *Gallio* said, *ver. 14.* if it were a Matter of Wrong, or wicked Lewdness, O ye *Jews*, Reason would that I should bear with you ; but if it be a Question of WORDS and NAMES, and of your Law, look ye to it, I will be no Judge of such Matters : Had the Cause related to Property, Right or Wrong, or Civil Justice, Reason would that *Gallio* should bear with them ; but he would not judge of WORDS or NAMES ; or little Quibbles, Double-meanings, and Distinctions of their Laws, in which he was a prudent Magistrate ; *meer Words* were not worthy of his Notice or Prosecution.

Farther, *Paul's* Enemies were harden'd, and spoke Evil of that way before the Multitude ; there arose no small stir about that way ; *Demetrius*, the *Silver-smith*, who made Silver Shrines for *Diana*, brought no small Gain to the Craftsmen, whom he call'd together, with the *Workmen of like Occupation*, and said, Sirs, ye know, that by this Craft we have our Wealth, and this *Paul* hath persuaded and turned away much People, saying, that they be no Gods, which are made with Hands, by manual Art (or by *Votes*, often made by holding up of Hands,) so that not only this our Craft is in danger to be set at Nought, but also the Temple of the Great Goddess *Diana* to be despis'd, and her Magnificence destroy'd, whom all the World worshipeth : when they heard those Sayings, they were full of Wrath, and cry'd, Great is *Diana* of the *Ephesians*, rais'd an Outcry, that was sufficient ; and the whole City was filled with Confusion : some cry'd one thing, some another, for the Assembly was confus'd, and the most part knew not wherefore they were come together ; but the Town-Clerk appeas'd them, telling them, they ought to be quiet, and do nothing rashly



rashly : for these Men were neither Robbers of Churches, nor Blasphemers of their Goddess, (tho' the Translators seem to have forgot themselves, when they call'd the *Heathen Temples, Churches*, for there were no other at that time) he added, they were in Danger of being call'd to Account for that Day's Uproar, there being no Cause whereby they might give an Account of it : they ought not to have made an Uproar, but have determin'd it in a lawful Assembly, where as the *Riot* they excited was an *unlawful Assembly*, and therefore they *must be condemn'd by the Law*.

Again, *Acts* xxi. 27, when the *Jews* saw *Paul* in the Temple, they stirred up the People, and laid hands on him, crying out, Men of *Israel*, help, this is the Man, that teacheth all Men every where against the People, and the Law, and this Place ; and they took *Paul* and went about to kill him, some cry'd one thing, some another, and they could not know the Certainty for the Tumult, the Multitude of the People follow'd after, crying, away with him : one would think the Public Papers, Grubs, and Print-sellers, had got the Orator among them ; for the *Chief Captain* said to *Paul*, Art not thou that *Egyptian* (*Paul* was a *Black Man*) which before these Days madest an Uproar ? and leddest out into the Wilderness four thousand Men that were Murderers ?

This shew'd *the Chief Captain's* Mistake : he was in a *Confusion*, it may be supposed, drew his Sword and flourish'd it, and perhaps, another Captain join'd him, and a Lieutenant, who soon after bilk'd his Lodgings ; and another, who went to the Fleet, after he had robb'd the *Custom-house*, and some, that shall at present be nameless ; but they were *all Evidences* against *Paul*.

Soon after the HIGH-PRIEST, ANANIAS, bade them *smite him* ; *Ananias* was the greatest Enemy of



of *Paul*, in that Order, he bade them punish him : but *Acts* xxiii. 7. there was a Diffension among his Accusers, and the Multitude was divided, and the Lord stood by him, and said, Be of good cheer *Paul* : but certain of the *Jews* banded together, and bound themselves under a Curse to destroy *Paul* ; and they were more than forty, that made this Conspiracy.

*Paul* was call'd farther, a pestilent Fellow, and a Mover of *Sedition*, and a Ringleader of the Sect of the *Nazarenes* : *Paul* reply'd, that he was not found raising up the People in any Place, neither with Multitude, nor with Tumult, which was the Test of Sedition ; at last *Agrippa* and *Festus* agreed that he had done nothing worthy of Death, or of Bonds, or Imprisonment ; and at *Rome*, he taught in his House, none forbidding him.

It is easy to observe, in this Account of the rough Usage of *St. Paul*, that the Manner of the Opposition set up against him, created more Clamour and Emotion than his Preaching tended to raise ; this drew others to attend to it, and by degrees, it form'd a Party that spread through the World : his Enemies made it prevail, more than himself, humanly speaking : he insisted, that he had not offended against the Law, the Temple, nor *Cæsar*, not against the State, the Church, nor the Court ; that his Religion was built on *the Law*, undertaking to prove *Christ* the *Messiah*, from the *Jewish* Law : so that the proper Method of dealing with *St. Paul*, was, for the *Jews* to have prov'd the contrary, in as public a manner as he preach'd it : instead of that fair equitable Method, they pursu'd the Measures which Rage and Indiscretion dictated, induc'd others to join *Paul*, who might not have thought of him, and assisted themselves, by prosecuting him, to establish his Scheme.

He

He did not offend against the *Temple*, nor against the public Establishment of the High-Priest, Priests and Levites; for some time, he attended the Temple, practis'd the Rite of Circumcision, liv'd on his own Labour, and it was by ill Treatment, that he went to the *Gentiles*, which chiefly settled a Party to the Destruction of the *Jews* his Prosecutors. Nor did he offend against *Cæsar*; he did not set up any Temporal Authority against the Court; he appeal'd to *Cæsar*; he did not preach *Sedition, Treason, Rebellion, Blasphemy*, or *ridiculing Religion*; tho' he was for obeying God more than Men; claim'd his Civil Rights; said, there were Gods many, tho' to us, but one God, (*for his Enemies might take the former part of the Sentence without the latter*) and he made use of *Ridicule, Derision, Irony*, in his Epistles, and was all Things to all Men, to gain some; and quoted *Heathen Writers*, even *one Play of Menander*; while he taught that Evil Communication corrupts good Manners, a Sentence from the *Thais* of *Menander*; or the *Courtezan*. He was against that *foolish Talking and Jestings*, which are *not Convenient*; therefore *for such as were Convenient*; for he said, *I talk as a Fool*, and was pleasant, *I beseech you bear with me*, &c. He was for obtaining Men Satisfaction to their Complaints, by *Reason*, by *Duty, rational Methods*; not by *Sedition*. He required, *Rom. xii. 1.* the *Λογικὴ λατρεία*, reasonable Divine Service, or serving God by the Exercise and Practice of Moral and Divine Wisdom, which is the highest Reason, making our Souls and Bodies, as he speaks, a living Sacrifice, holy, acceptable to God: He was for the improvement of all our Powers, having our Senses exercis'd to discern Good and Evil; proving all Things, thinking of whatever Things are *true*, as well as of *good Report*, and for rejoicing in the Testimony of Conscience. To

To go through *all his Moral and Divine Precepts* will be impracticable in *one Discourse*. I will close the present with this Remark; that if *St. Paul* had been left to preach quietly, or teach in his hir'd House without Insults, violent Usage, being taken before Judgment-seats, and the like, which spread his Doctrine, made him remarkable, and gave Numbers an Opportunity and a Call to receive Impressions that might otherwise have been lost, it is highly probable, that his Design would not have taken Effect, so as that States and Kingdoms should have been convuls'd by it. Had all the Magistrates been like *Gallio*, who cared for none of those Things, it might have slept in Peace, or not have produc'd those bad Consequences, which afterwards appear'd.

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Second Discourse.

GALLIO forbidding *St. Paul's* Prosecution for Words, and an Answer to Allegarions in a Paper handed about Town.

Acts xviii. 14, 15. *And when Gallio was Deputy of Achaia, the Jews made Insurrection with one accord against Paul, and brought him to the Judgment-Seat, saying, This Fellow persuadeth Men to worship God contrary to the Law; Gallio said, if it were a Matter of Wrong, or wicked Lewdness, Reason would, that I should bear with you, but if it be a Question of WORDS, I will be no Judge of such Matters.*

**P**AUL was accus'd for the Liberty he took in *Preaching* contrary to the Law, as at first, *Christian Preaching* usually was, or was esteem'd to



to be: *Gallio* the Judge said on that Occasion, if it were a Matter of Wrong, &c. if it was an OVERT ACT of *Injustice, Sedition*, or the like, in which the Property and real Interest of Men were concern'd, he would allow the Contest; but if it was of meer *Words, Names, and Quirks of Law*, he would not suffer the Prosecution. (See the former Discourse, p. 3.)

Copies of a MANUSCRIPT PAPER have lately been handed about Town containing loose broken Sentences of various kinds, reported to be spoken by a Preacher from the Pulpit, charg'd with being Criminal in several Respects; that Preacher's Answer to the Charge has been drawn up, which, being in my Hands, and hard to be met with, shall be here deliver'd, marking the Word *Preacher* by the Letter *P.* so that when *P.* is mention'd it means that *Preacher*. Those Sentences may properly be distributed under these Heads;

I. Religion, the Reformation, and Bishops, the *Trinity, Blasphemy*, and *offending God*.

II. *British History, Revolution, Scotch Stuarts, Rebels*, and the Great Hereditary Right.

III. Foreign History. The Words charg'd in this Manuscript; shall be produc'd, then the Reply.

I. In *Religion*; that the *Roman Catholic Religion* was preferable to the *Protestants*; that the *Protestants* agreed to damn the *Roman Catholics*, that the *Roman Catholics* in return damn'd the *Protestants*; and the Churches were all damn'd. The Words were, that *Popery* was justify'd by *Protestants*, they held *Popish Principles, Tradition* and *Church Authority of Divine Right*: and that Churches were damn'd, and condemn'd by one another, in their *Anathemas*, and contrary *Tenets*.



2. It was charged that P. cast Reflections on the Reformation; on this, *no Words* being produced, *no Answer* is necessary: P. affirmed, that History said, there were some Faults in the Management of the Reformation; and that it ought to have reformed from the Religion of Tradition and Church Authority, that being Popery, to the Religion of right Reason, in order to be consistent.

3. It is charged, that P. in his Prayer, 'Be-  
'setched, that God would relieve the distressed  
'People of *Scotland* and *Ireland*, and implored the  
'Divine Vengeance on their Adversaries. *Answer*,  
P. took his Prayer from the Bible, the Psalms and Lamentations; pray'd for distressed People *every where*, as well as in *England* and *Ireland*, and pray'd against their *Enemies*, as the Church does in the *Prayer on War and Tumults*, and the *Thanksgiving for Peace at Home*.

4. P. was charged with reflecting on the Bishops of *Salisbury* and *London*, and the Archbishops of *Canterbury* and *York*; that he opposed the Doctrine of the Trinity, and wanted to give the Church a thorough Purging; but no Words being alledg'd, it requires no Answer. P. never reflected Personally on those or any Bishops, but controverted their Principles and Sermons, and compar'd some Parts of their Conduct with their own Statutes and Canons, v. g. a Bishop's misinterpreting a Text, assuming an uncanonical Habit, and not reading *Magna Charta* in Churches, &c. P. was against *Whiston*, only said of the Trinity, that the Vouchers of it were Catholic Fathers and Councils, that *Whiston*, &c. were bound to be Papists by the Fathers they appeal'd to, and that none but Catholics can consistently defend that or any Point of Reveal'd Traditional Religion, as such; an Article first asserted by the Author of the *Coup de Grace*, in his  
Discourses,

Discourses, and in the Preface to that Pamphlet, to which he appeals.

P. affirmed from *the Confession of Sins* in the *Common-Prayer-Book*, in which the Church declares, *there is no Health in them*, and the use of the Words, *purifying, purging, and cleansing* in Scripture, as also those of *no soundness from Head to Foot* in *Isaiah*, that a *thorough Purge to the Church*, if under such Circumstances, would be very wholesome.

5. P. was charged with *blasphemous Words*, thus; 'That God was born in *Hanover*, brought over to *England*, naturalis'd a Protestant, and so the present Royal Family came over.' This was attested by one who was drunk when he heard him, and who, upon Oath charged P. with ridiculing the *Court of GERMANS* when he spoke of the Court of *St. GERMAINS* in *France*, where King *James* resided, describing a Part of that History; by which, he was *unqualified to be an Evidence*. Had those Words been spoken, and call'd *Blasphemous*, it ought to have been alledged, that they were *BLASPHEMOUS AGAINST GOD*, to have made them *Blasphemy* in the Sense of the Accusation; for by Scripture there is *Blasphemy* against *Man* as well as *God*, that is, *Cursing, Reviling, and malicious contumelious Reproach*: without which, against *God himself*, no Words are *Blasphemy*, nor are Words attributing the Parts, Actions, Passions and Accidents of Men to *God*, *Blasphemy*; the Bible is full of such Examples; as in Scripture, *God's Deceiving, his breach of Promise, &c. Princes, or Magistrates, Angels, and others, being call'd Gods* in Scripture, such Words might, if spoken, have admitted an Interpretation of them, because doubtful Words in such Instances ought to be interpreted in the better Sense; thus one, to whom the Appellation is given in the Bible of a *God, was born*, and so on, might have been the Construction; such Words might have been

constru'd

constru'd a Complement to *Hanover* and the *Royal Family*, that a *Scripture Nominal God* was born there ; they are not in the least dishonourable in the worst light to God himself, because the like Words are used of God in the Bible ; the Deity, who was term'd *our God*, among the *Jews*, was made peculiarly theirs, as it were NATURALIS'D to be *their King and Tutelar God by Covenant*.

But the Words were not spoken, it was a gross Falshood ; it was under the Head of *Naturalising Foreign Protestants* ; after *P.* had said, “ that since all were fond to make *Heaven, Religion, and Providence* of their Party and Interest, as appear'd in the Sermons of Divines of all Persuasions, they might as decently go something further, and say, that all *Goodness* was born abroad and brought to *Westminster*, to be naturalis'd a *staunch Protestant*, and a true *Hanoverian* ;” not a Word was said of the present Royal Family.

6. *P.* was charg'd with Expressions *offensive to God* ; but the Words not being specify'd, no Answer is requisite : People of different Religions familiarly accuse one another of Words offensive to God, Blasphemy, Sedition, Indecency, and what not ? And if a Preacher can justify his Liberty and Language by Right Reason and the Bible, which abounds with Words, that some might arraign of all the Faults, and more, that are imputed to *P.* there is nothing Criminal : So much for the FIRST HEAD, Words relating to *Religion, Reformation, Bishops, Blasphemy, and offending God*.

The SECOND is from *British History*, the *Revolution*, and the *Scots, Stuarts, and Rebels, &c.* no Words are particularis'd about the *Revolution* ; therefore no Reply is needful ; *P.* was charg'd with affirming, that the *English* had been faithless and cruel to the *Scots* : *P.* asserted, that *Puffendorf* and the *Scots* Historians represented them, as having



been, under King *Edward I.* and other succeeding Reigns, down to that of Queen *Elizabeth*, in many Instances, cruel and faithless to the *Scots*; *P.* was accus'd of vindicating the Character of Lord *Lovat*; but no Words are produc'd; he did not vindicate his political Principles, but some Parts of private Life: *P.* on occasion of two new Pamphlets on Lord *Lovat*'s History, (part of his Undertaking being to criticise on Books for *Improvement*, which by his Principles is *Edification*) enquir'd, whether in his private Character, he was, according to those Pamphlets, so culpable, as he was describ'd by many Writers:

*P.* was accused of intimating, that the Union of *England* and *Scotland* was obtained by *Bribery*; *P.* affirm'd, that the Adversaries of the Union were related by *Lockhart* of *Carnwarth* and others, to speak in that manner; but he reply'd, that what they called *Bribery*, was an *Equivalent* for the Loss of *Darien* and other Disadvantages; *P.* was charg'd with calling it a *Butchery* at *Culloden*; *P.* affirm'd, that some us'd that Language; but he suppos'd the Truth was, that some of the *Soldiers* were *Butchers by Profession*. It was objected to *P.* that he described the *Stuart*'s Family as Men of Courage and Justice. *P.* alledg'd, that the *Stuarts* were commended by their Friends for Instances of Courage and Justice.

*P.* was accus'd of saying, ' that were the Ghosts of those Worthies who were made Martyrs at *Kennington-Common*, to appear to our Army with their Captain-General at the Head of them, they would turn their Backs, and ground their Arms, as they did at *Fontenoy*; *P.*'s Words were, ' that if Troops were to be drawn up on *Kennington-Common*, and two Ghosts of those who dy'd there, and were call'd Worthies and Martyrs by their Friends, were to appear before them, they would  
retreat

‘ retreat with less Order than they did at *Fontenoy* :  
 it was a Cavil against *P.* that he ‘ extoll’d *Blood*  
 ‘ and *Bradshaw*, two of the Rebels lately executed ;  
 ‘ and prais’d *Blyde* a Rebel executed ; said, that all  
 ‘ the Rebels were used with Hardship and Cruelty,  
 ‘ and call’d them Martyrs frequently ; and that Mr.  
 ‘ *Ratcliffe* was not prov’d to be the identical Person  
 ‘ aim’d at : No Words are quoted in which he ex-  
 toll’d *Bradshaw* and *Blyde* ; for as for BLOOD, there  
 WAS NOT SUCH A MAN, which alone is sufficient  
 to quash any Information ; *P.* spoke of the Friends  
 of the Rebels styling them Martyrs, and complain-  
 ing, that some were used with Hardship and Cruel-  
 ty ; but added, ‘ Perhaps they thought the Execu-  
 ‘ tion of the Law, in their Case, might be Hardship  
 ‘ and Cruelty ;’ *P.* affirm’d, ‘ they might be truer  
 ‘ Martyrs than some of *Fox’s Martyrs*, who were  
 ‘ alive after they were executed by the Historian.’

*P.* was charged with averring ‘ That Mr. *Rat-*  
*cliffe* was not proved to be the identical Person  
 ‘ aim’d at ;’ *P.* said, ‘ that some maintain’d, that  
 ‘ Mr. *Ratcliffe* was not himself, if so, they made  
 ‘ him not the same Person.’ *P.* was accused of say-  
 ing, that the late Lord *Balmerino* dy’d Great and  
 Godlike, and like a Martyr. *P.’s* Words were, that  
 it was the Opinion of the Gentlemen of that Side of  
 the Question, that according to his Principles and  
 Persuasion, the late Lord, &c.

It was one Imputation on *P.* that ‘ he held it  
 ‘ unlawful to take away Hereditary Right’. *P.* ex-  
 pressly quoted Sir *Thomas Craig*, the famous Scotch  
 Lawyer, his remarkable Book on the *Succession to*  
*that Kingdom*, affirming in the Case there discussed  
 with *Doleman* or *Parsons* the Jesuit, that ‘ it was,  
 ‘ in *Craig’s* Words quoted, unlawful to take away  
 ‘ Hereditary Right, in *Craig’s* Opinion ;’ but *P.*  
 added, that this was alter’d by subsequent Laws.

*P.* was

P. was accused of saying, that 'the Lord Bolingbroke never had a Design to bring in the Pretender; and that the Secret Committee of Pulteney was nothing but Smoke.' P. remarking on the Pamphlet intituled, *Memoirs of Lord Lovat*; and finding it related there, that Lord Lovat was unsuccessful in his Transactions between the Court of *St. Germain's* and Queen Anne's last Ministry, infer'd, that if it appear'd, from that Circumstance, that Lord Bolingbroke had not a Design to bring in the Pretender, then the Secret Committee was all Smoak.

P. never mentioned his Majesty, or imply'd him in his whole Discourse; nor the Duke.

P. was charged with saying, 'that the present Naturalization Bill included several Foreigners, and that they would be brought in to eat up the Natives, which was very unnatural, and his Majesty was by that made Pope of the Protestants.' P's Words were, 'that the Naturalization Bill now depending, included so many Foreigners, that if their Means of Sustenance did not equal the Number of Hands, they might eat up the Natives, which would be unnatural; and that it would be Politic to have a Pope of the Protestants, an Idea which the Law favours, by restoring Papal Power to the Crown.'

P. was charged with saying, 'that we were about an Embassy to those Dull and Phlegmatic People the States of *Holland*; and that we were making use of an Ambassador as Dull and Phlegmatic as themselves, Mr. *Broadbottom*, who moved as heavy as themselves.' P's Words were, that when we sent an Embassy to the States of *Holland*, thought Dull and Phlegmatic, we should make use of an Ambassador like themselves, on their *Broadbottom*.

This



○ This was pretended to mean the DUKE, which was an absolute Falshood; the Words were not applicable to his Royal Highness, who is of an active Genius and lively Capacity: Expedition in his Enterprizes against *France*, and Zealous for the Interest of the Prince of *Orange*, which was then UNLIKE the *Dutch*; neither was the DUKE an Ambassador, or so call'd. This was an *Innuendo*, a *Meaning* made by *Informers* like the rest; it was their own Fiction, what they would have the Preacher to have deliver'd; it was *their Malice*, and *Invention* flowing from it; which gave an *ill Turn and Tincture* to every Part of the Discourses, and made them report it suitably to their *Scheme*; therefore, originally, made *them no Evidences*, but *false Accusers, Revilers, and Lyars*; they came to represent all according to their Prejudice and Design; all seem'd *infected* to the *Infected*; all yellow to the Jaundic'd Eye. *P.* meant, that to the *Dutch* should be appointed a *Dutchman* to be a natural *Ambassador* for them; *Broadbottom* meant that they *take in all People and Interests*, as *Amsterdam* does *all Religions*; as such *Dull and Phlegmatic Informers* have *their Broadbottoms*, are *Extinguishers* of *Common Sense and Common Honesty*, with *broad Consciences* and *narrow Understandings*.

Farther, *P.* on the same Head, was charged with saying, "that this Ambassador would purchase a Treaty at the Expence of ten Millions of *British* Money, which is two Millions short of what the Nation is worth. *P.*'s Words were, "that such an Ambassador *might*, if that was the Case, easily purchase a Treaty at the Expence of ten Millions of *British* Money, which is computed two Millions short of what the Nation is worth in current Specie.

This was intended to intimate, that the *Dutch* might devour our Money, and give us back as little as possible in return.

Lastly,

Lastly, In *this Manuscript P.* is reported to have said, 'that we had guaranteed the *Silesias* to the Empress-Queen, that she had now Money in Abundance, and that the *Hanover White-Horse* carry'd it over in Plenty to her.

Here they nick'd it, a *Horse* being most proper for *Sea-Carriage*; they made a *Sea-Horse* of him; they mistook this for the *White-Horse* of *Naples* turning *Carrier* to *Florence*, after he had been sent to *Rome* for a *Pad-Nag*; but the Truth was, that a *Prelate*, who inspir'd them, was UNHORS'D.

These *Sermon-Trappers* have not quoted one Turn of Wit, or Connected Sense, or Reason, as they were, from all the Discourses; perhaps; they thought there was none to quote; I believe they did, if they thought at all; for Reason, Sense and Wit would be the contrary, if they pronounced them such.

They have not even pilfer'd them neat, as some did the *Custom-house*, for their own Benefit; or as one after he had run away in Debt, having a Watch put into his Hands, instead of mending the Watch, made it go to the Pawn-Brokers, and fled, for he belong'd to a *Marching Regiment*.

### Third Discourse.

A Protestant Dissenter's Liberty, of Preaching in his own way, asserted; and pursuing the Answer to Allegations in the former Discourse.

I. Sam. xx. 15. *Let not the King impute any Thing to his Servant, nor to all the House of my Father.*

THIS, and the other Discourses in this Collection, are *ex hypothesi* on Supposition of a Case

Cafe of this Kind, if not Fact, be they an Allegory of what might or may happen.

We find in this Chapter, that *Doeg the Edomite* was an *Informer* against the Priest *Abimelech*; and this was his Answer; doubtless, the Charge against him was, that “*he intended to sow Sedition in the Minds of his Majesty’s Subjects*, to alienate them from their Duties and Allegiance, and to stir up Rebellion; with other heads of Accusation, which might correspond with those of the *Manuscript Paper* aforesaid, or be added artfully to inflame the Charge:

The first Rule is, when general Terms are us’d in accusing any Man, there must be some Test, or Standard of Thinking, to make them intelligible and efficacious, *in that Instance*. For Instance: The general Terms of *Seditious Words*, or tending to alienate the Affections of Subjects from their Duty and Allegiance, must be reduc’d to some determinate Meaning. The Affections of Subjects, &c. must have *some Rule*, they are not Vague and Indefinite. *That Rule* must be *the Law*, which ought to be produc’d: Sin is the transgression of the Law, and if there be no Law quoted, which the Party offends, there is no Transgression; the People, and every Man, ought to be told by the *Statute Law*, or some *plain Rule* they can come at, what that Alienation is, or what is *Sedition*. While it is left at large, to be interpreted and apply’d by the Lawyers, the Jury, or any Men: The Law, if it is not *certainly promulg’d*, is, therefore, of *no Obligation*, and the Party is *guilty of no Crime*. The most obvious *Touch-stone* is *Slander*, *Breach of the Peace*, and *Unlawful Resistance by force of Arms*, or *Incitements to it*; but there is not one Sentence in all the Manuscript that is handed about, which suggests any of them, *fairly consider’d and compar’d with what went before and follow’d*. Not one *Slandrous*:



They might all be constru'd to be more *for* than *against* those they are aply'd to.

That the *English* HAD BEEN cruel and faithless to the *Scots*, but NOW ARE NOT: Or, when THEY were the like to THEM; that Lord *B.* had no Design to bring in the Pretender at the Instance of Lord *Lovat*; therefore acted right, and the Secret Committee was *Smoke*, the *Fire* being over; that the *Stuarts* were Men of Courage and Justice, sometimes, or as far as related to our Royal Family; for there ought to be Innuendo's allow'd to a *Good*, as well as a *Bad* Meaning; That is WAS unlawful to take away Hereditary Right, but is now otherways; that a Godlike Prince (or, as the Text has it, AS a GOD to *Pharoah*) was born in *Hanover*; that Popery was better than Protestantcy, to such as love fat Bishopricks here, or better *out* than *in*, or to the same purposes; that the Empress had Money from us because she deserv'd it; that *England* wants a fit Embassador to the *Dutch*, because it has no-body like them; that he, who could, by Design, be as dull and phlegmatic as they are, would be the most dextrous Manager to outwit them; that it would be better to give them Ten Millions, than to lose *Holland* to *France*; that few Soldiers believe or fear *Ghosts*, and therefore, would not be concern'd about the Manner of retreating from them; that the Preacher extoll'd *Blyde* and *Bradshaw*, as they were departing, and for that Reason; that the *Butchery* at *Culloden* was after the Fight, upon the *Cattle*, to refresh; that Mr *Ratcliffe* was not the Man, being said, not to have *Reason*; that Lord *Lovat* might be Vindicated, for his Letter to the Court, to defend himself; that our *Union* and *close Adherence* to the *Empress* is just, and the Horse carry'd her safely from Danger; that *Foreign Protestants* should be *Naturalised* to supply those who had *Unnaturalised themselves*; and this Political Popery

pery was right; that the *Union of England and Scotland* was by the same Bribery as that of Marri-  
mony, for which the *Joyner* demands *his Fee*; that the Rebels were used with Hardship by themselves, as it is said, a Man is sometimes cruel to his own Flesh, and Martyrs to Folly; that the *Reformation and Revolution* were *faulty* to such as would endure the Amendment of their Faults; that the distressed People of *Scotland and Ireland* were Objects of Charity, and to be pray'd for, and, if good People, Vengeance on their Adversaries might be implor'd; that Lord *Balmerino* was to be highly commended for setting a Pattern to others, to die like him; that *those Bishops* deserv'd to be reflected upon, because they were *too Good* for this wicked World; and the Church ought to be purg'd to preserve her from ill Humours, without Blemish, for the Soul's Health; that there could be no *Sedition, Treason, Rebellion, nor Alienation of Affections* from the KING, in those Discourses, because the Hearers were all either *Courtiers, Jacobites, or Indifferents*; the *two latter* had no Affections to alienate, and the former had their Affections rather *increas'd* than less'n'd, for they own'd, they rather *bated, pity'd, or despis'd* the Preacher the more, for his speaking in that Manner, consequently lik'd his Majesty better, and it elevated their Zeal for the Government to that Degree, that they grew Military, like *Alexander* to the Musician *Timotheus*; took it to be the Second Part of the Battle at *Culloden*, in a Transport of Loyalty broke the Peace and their Swords too: recommended and approv'd themselves more to the Court; one got a new Sword of Ten Guineas Price, to reward his Heroic Gallantry, besides Pay for Charges; another was presented to a Living, and the rest are in hopes of rising to a better State.

So that they are all obliged to the Preacher, for this Touch-stone of Love and Duty, as well as the

Occasion of it, and ought to recompense *Him* for the Benefit and Honour by which, they may make Converts to their Cause: If the Sentences in the Manuscript be turn'd the other Way, they were misunderstood, and the Sin was in *the Hearers*, not in *the Preacher*. If they stirr'd up *Sedition* or *Rebellion*, it was of those who *took Arms* in a Congregation on such an Occasion, not *against*, but, as they said, *for* the Government, were CAST for it, and PROV'D false Evidences. They broke the Laws, to keep up the State; were Wrong-heads in Politicks, inverted them, to make a *new Revolution*, standing on its Head, with the Rump uppermost; therefore, if *they were wrong*, the *Discourses* were *right*; they were *not Seditious*, not tending to a *Separation* from the State, but for a truer Union *with the State*; for the KING, as KING, is suppos'd to do no Wrong; against those who would represent him Otherwise: The highest Insult on Majesty: As if it was to be *maintain'd* by *subverting* it:

*Sedition* is a Crime not defin'd by the Law; but *one Idea* of it, as tending to *break Allegiance*, seems to determine it: *Allegiance* cannot be violated, but by a *Breach of Law*, and whoever Speaks on such Matters, as are look'd upon to be Public Grievances, in order to obtain the Redress of them by *Reason*, as a *Rationalist*, cannot possibly be a *Seditionist*, who endeavours the point by *Force of Arms*; tho' Bishop Hoadly is for *Measures* and *Degrees* of *Resistance*, by speaking for *Measures* of *Obedience*; so that a Subject of *England*, by his *System*, (for which he was Thank'd by the House of Commons) must always be, in *some Measure* and *Degree*, *Seditious*, because *Obedience* is by *Measure* proportioned to the Duty of the Civil Magistrate, who, not being infallible, must, in some Affairs, be liable to *err*, and justify the like *Measure* of *Sedition*; and the Office of a *King* or *Government* is a *Political Character*; when wrong,

as



as such, they are *Private Men*: So that he who speaks upon them, as wrong, does not *Speak* upon King or Government, but on Private Persons, like himself, and never can be guilty of *Sedition*; *speaking and acting* differ; *Words and Names*, in the Text, are not MATTERS of *Wrong* and *wicked Lewdness*; an *Elect* or one *interested*, may speak of the Management of his Trustee, and a *Preacher* has much more Right than the *Press*, by which the greatest Men have convey'd their freest Sentiments on the most arduous Points of Publick Conduct.

Nor is any Sentence, in this Manuscript, Treasonable. Treason, in our Law, is Imagining or Compassing the King's Death, by some *Overt Act*, which, if there be *Words*, must be *joyn'd with them*; speaking, not on the *Person* of the King, or his Title, but on *distant Circumstances*; never can be *Treason*, nor *Treasonable*; nor *Rebellious*, because no Incitement to Force of Arms: The Informers were *the Rebels* that us'd it. Nor offensive to God, who allows every Man the Privilege of his Reason and Religion, and is suppos'd to have given the Bible as a Rule of Thinking and Speaking; so that he who corresponds with *that*, in his Style, cannot be offensive to God: Nor to the King, if he is mentioned or imply'd, in his Private Capacity: Nor to good *Manners*, if the Scripture Authorises the Expression; *Elijah* to *Abab*, *Christ* to *Herod*, *Paul* to *Elymas* the Sorcerer, the Prophets to Princes, in the Old Testament, made Use of Language, which might be thought to border on Manners not the most Civil. A Preacher is bound sometimes to be *Plain* and *Blunt*; *Paul* said beware of *Dogs*; a *False Accuser* is call'd the *Devil*. Woe to you *Pharisees* and *Lawyers*, said *Christ*: And, Tell *Herod*, that *Fox*.

There were no Sentences in the Discourses, reflecting on any Body of Men; Controversy is no Reflection:

fection: nor any *Ridiculing Religion*; to despise, rebuke, reprove, the Follies and Vices of Men, in Derision, in Irony, in a Religious Discourse, is not to deride or ridicule Religion; Nature, Reason, Scripture, and Examples justify it; quoting Texts of Scripture to deride Folly, is not ridiculing the Scripture itself; nor are Words *Indecent*, *Unfit*, or *Unbecoming*, which suit the just Principles, the Religion of the Preacher, and are warranted by the like in the Bible, which abounds with Language that might, in our Modern Times, be liable to the Charge of *Indecency*; light, low Terms, trivial, and ungraceful.

It was asked, Why the Preacher spoke of this or that Subject? It was answer'd, from his Religion, Conformity to the Divine Attributes, one of which is *Omniscience*, whereof all Things, and Relations of them, are the Objects; He who can think and speak the most Reasonably, Ingeniously, and Learnedly, on the most Subjects, is most like God; most Knowing; Universal Wit, is the nearest Quality to the Attribute of Omniscience in God, because it collects and compares all Ideas in the most ready and intuitive Manner. All Subjects are under the sway of Divine Providence, are in the Scripture, from the highest to the lowest: The Scripture is nothing but a System of Politicks, including all Characters, Professions, and Objects; *Politicks* are *Society*, *Government*, under God and Man, *Moses*, the *Judges*, the *Kings*, and *Cæsar*, in the Old and New Testament; the Relative Duties are Political; secular and profane Subjects occur every where in the Bible; it is a Miscellany of every Thing.

It was objected, when the Preacher vindicated his Discourse by Texts of Scripture, that he perverted all to his wicked Purposes; but his Purpose was known only by his Words and Actions; his Principles were true, his *Words* and *Actions* not blameable;

able; he had a Right to apply Texts of Scripture in his Defence, equally with Others, and his application of them ought to have been confuted, not abus'd.

It was farther cavill'd, that what he introduc'd in Preaching, was under the *Pretence of Religion*: But this may be an equal Exception to all Preachers, in all Professions. He had a Right, in a Free Protestant Country, to maintain the Liberty of his Conscience and Religion, on the same Foot with Others, especially as he submitted his Profession to publick Inquiry, and was ready to renounce an Error or Fault that was fairly prov'd; which is the *modest* Part: For no Man, willing to give up a Mistake, or an Impropriety, when duly convinc'd, can justly be term'd *Impudent*: They are obnoxious to that Appellation, who persist in *either*, unreclaim'd; and none more, than they, who are the most addicted to the Use of the *Epithet*, without sense of Shame at their own want of Judgment and Civility.

As to *Preachers*, what might be thought *indecent* in one, would be *decent* in another. A *Calvinist-Preacher*, a *Church-Divine*, or the like, have *their Principles, their Decorum*: An Orator is essentially more Free, for Rhetoric is speaking on all Subjects, occasionally, in all Shapes, serious or entertaining, grave or pleasant; they may not make Use of Ridicule, or Secular Matters, in Discourse, because it is not their System, nor Practice; it would not be relish'd by their People: But if any Man of a different Principle hears an Orator, he is to consider him as such, his Discourses are more unlimited, and the Hearer is not to be shock'd at his using all the Figures of Rhetoric, Modes of Argument, Questions, Themes, and Topicks, in the Universe; as the Point, the Time, or Circumstance demands, or his Genius dictates.



Every Man has a Right to Oratory within his Property ; the commanding or allowing set Places of Religious Assembly is, indeed, claimed by the State, or the Church incorporated with the State, in all Countries ; but every Man is entitled, naturally, to the Privilege of *Speaking, or of Oratory*, on his own Terms, in his own Habitation ; and no Government can, equitably obstruct him ; the Claimants, by reveal'd Religions of every Kind, from the Pagan Times till now, challenge an Authority to appoint and limit Places of Assembly, from God : The Family-Privilege of a Speaker is from God, the Author of *Justice and Property*, as well as a Natural and Civil Right ; the Compact of Men, associated in Civil Government, extends, in itself, no farther than Civil Sanctions ; Public Political Religion is to be considered only that the Community may receive no detriment, and be morally secur'd ; for there would be no End of the Pretensions of every *Species* of Religion to be the State-Religion, or of one more than another : Moral Religion is that of God, being the Imitation of his Attributes, the Height of all Religion ; and by Moral Religion, every Man may be an Orator in his own Habitation, or Property ; to punish him for it, would be *Inquisition, Popery* ; He has Authority to *dissent* from, and *protest against*, ANY OTHER, tho' he be an EMPEROR, who shall tell him, *what he is, or is not to preach, or in what Manner* : If once that Restraint be laid, which even the *Papists* do not lay on their *Priests and Monks*, there is no Protestantcy, no Religious Liberty to a Preacher : He is to rebuke all Vice, boldly, in all Ranks of Men, unmolested.

*Julius Cæsar* endeavour'd to make those his own by gentle Methods, who censur'd his Actions : So did *Augustus* : The late King *Lewis the Great*, of *France*, would have conferr'd the Higheſt Honours

on *F. Bourdaloue*, the famous Jesuit Preacher, who reprov'd the Court-Sins in his Presence: King *Charles II.* behav'd in the same generous Manner to Bishop *Kenn.* when his Majesty (tho' seemingly given up to Pleasure) made him Bishop, on observing his Piety: The late Earls of *Orford* and of *Wilmington* allow'd to a *Preacher* the utmost Liberty in the Pulpit: The Lord *Townshend*, Secretary of State, did the like, though attempted to be hinder'd by a Prelate of the Church, on an Ecclesiastical Occasion; the Earls of *Granville* and *Harrington* permitted the same: Sir *John Gonsou* refus'd to take any Informations against one; on one Occasion, particularly, when above Eighteen Seals were brought in a Warrant to him, that only wanted his Signing it to fill the Whole: Sir *Thomas De Veil* frequently repell'd Informations of this Kind: All these thought it below them to take notice of one in the Profession of a Religious Rhetorician in this Kingdom, for using his proper Liberty, as such, as an *Englishman*; and the ONLY PROTESTANT who not admitting Tradition and Church-Authority, is not bound to be a Papist, and therefore is the only GUARD to the Protestant Establishment, against *Sedition, Rebellion*, and other Attacks.

As this has been so often publish'd, it was astonishing, if any *Low Confederacy* of young, raw, unthinking *Hot-spurs* should pretend they ever were Commissioned and Ordained to reform any Preacher, by mobbing and rioting, by Sword and Pistol, by Affidavits and Indictments, make their way to Courts of Justice, by being themselves Judges, Juries, and Executioners, i. e. Subverting all Courts and all Justice; pretend to recommend themselves to a Government, by destroying all Government; and court the Favour of the King, by breaking his Majesty's Peace, Crown and Dignity.

The Qualification of a *Witness* is to *know* what he attests, and repeat it with Veracity, Honesty and Truth: There have been Invaders of this Kind, who have wanted Knowledge; who did not *know* what Rhetoric was, or he that manag'd it; *always* took a Preacher to be delivering *his own Sentiments and Words*, tho' it was declar'd before, that such Performances are *Exercises*: That is, Lessons and Examples given for Instruction, how any Person might, would, did, or might have been suppos'd, in given Circumstances, to think, imagine, express himself, on all Points and Questions, Problematically; often quoting others, not as *his Opinion*; which yet, the *Mistakes* of others have often been made: He teaches, but leaves it to the Reason and Virtue of each Hearer, to take his Side of the Question or Remark; does not determine for or against another's Choice. They did not *know this*, tho' he at that Time, *declared it*; he often convey'd *Replies* with his Reflections, which they suppress'd: By the Law, words must be *advisedly* spoken; but his are often facetious, pleasant, inadvertent.

Nor were such *Critics then, or before*, in a Temper, to *know* and *report* rightly what was deliver'd, *before*, they were prejudic'd, malicious, byass'd confederated, resolv'd to suppress, and destroy the Party aim'd at, by all Methods, Weapons or Oaths, the latter of which are the sharpest of the Two: This was *own'd*; that all the *Hatred was at that Person*, and that they came with a Design to detect him; and *then*, they were too *confus'd, passionate, and rash*, to know or consider any Proposition that was preach'd; and that *Malice* was the Conductor of the Design, is plain, by the innumerable Methods taken to destroy a Preacher, by Advertisements, and Letters in the Publick Papers, by Prints, Images, Pamphlets, Paragraphs, Outrages, Lies, and



and Abuses. This, indeed, is a Proof, that they conceive, they have the greatest Reason to fear him; his Capital Enemies are conscious he has the Advantage over them, in point of Argument, and the Merits of the Cause: A COUP DE GRACE is an Unpardonable Sin: But it might have been more Discreet on their side, if they had not confess'd their Terror and Conscioufness too expresly, by letting the whole World into the Secret, and adding to the Ascendant of one they would suppress.

It has been a stale Artifice, for Directors of Ecclesiastical Bodies, to lye by, themselves, and wait, 'till they can, as they flatter themselves, deliver their Prey over to the secular Arm, to a Court or Ministry. But the Civil Power is well aware, that they are awkward Politicians, and not to be too Credulously comply'd with; a Spiritual Ruler who set on foot this Machination, instructed the CROWN, and the late Lord Chancellor TALBOT, whom to promote to a vacant Bishoprick, wrote a Book, which Sir *Clement Wearg*, a late celebrated Solicitor-General, call'd *A Libel on the Constitution*, and which more Lord Chancellors than one have declared not to be Law; yet is now to direct Ministers of State and Judges, &c. The following Considerations shall be employ'd to shew, that such Evidences are not to be credited; that the Crime charged is *Impossible*; that all Motives concur for a Preacher, and none against him.

I. That such Evidences are not to be credited; if they had Malize prepenfe, conspir'd, vary'd among themselves, were employ'd and summon'd in, contradicted themselves, were false and inconsistent, of Ill Character, given to Defamation, and Assault; interested; Persons of little Understanding, and less Honour or regard to Reputation, by setting out in the Character of *Informers*. If this be the Case, they are not to be believ'd. Farther, the Evidence

is not worthy of Credit, if the Crime be Impossible; the Evidence is to the *Truth, the whole Truth, and nothing but the Truth*, i. e. The very same Identical Words, the Whole Words, and nothing but the Words; which no Mortal, that heard a Discourse, which he did not minute down every Syllable on the Spot, ever did or can swear to; not only the very same Words; but the Whole Words, only, can be the Whole Truth, since the Addition, Change, or Omission of one Particle — if --- and --- or --- as it were --- it is said --- and the like, may change the Sense, and give a contrary Turn to the Sentence; then, to be *the Whole Words*, they must take in, *with* the Sentence quoted, the Paragraph, of which it is a Part, the Section, the Division, or general Head it belongs to, with the Proposition, Scope, and Tenor of the Discourse, the Limitations, Restrictions, Quotations, and especially the Principles, and Plan premis'd; for all together make the *Whole Truth*; and to add, alter, or take away one Word, destroys the Information; as in the Scripture, the Fool hath said in his Heart, there is no God, he that takes the latter Part only, there is no God, would make the Scripture *Atheistical*; with the Whole it is just. *The Preacher* perpetually, declared his Limitations of what he was to deliver; that he did not speak his own proper Opinion, but quoted others; that he gave a Paradigm, or Example, of what this or that Person, might be presum'd to speak, on such an Occasion; being a modest Teacher of Universal Rhetoric, who, in performing an Exercise, a Lesson, an Instruction, or an Example of Speaking, is not reasonably to be suppos'd to be declaring for *himself*, but for *those*, whom he proposes to teach; all Things to all Men; addressing each according to his Capacity, Taste, and Use, as God spoke by the Prophets, at sundry Times, in divers Manners;

Precept

Precept upon Precept, Line upon Line, here a little and there a little; seeking to find acceptable Words; to have the Tongue of the Learned, that he may know how to speak a Word in Season to him that is weary; to relieve the Attention, by his quick Variety, of those that begin to be fatiated with the length or dullness of his Discourse; since many Pulpits are appointed to administer Spiritual Opium to their Hearers, and preach the People to a Lethargy, there may, surely, be tolerated, one Pulpit to *awaken them*, to prevent the Enemy *sowing Tares, while they sleep*; that every Body may not be obliged to say, behold, it is all a Dream; was there One Oratory to a Thousand Dormitories it might be very *Reasonable*. And that all Motives concur for the Preacher, and there is not one against him, might be Copiously explain'd and illustrated.

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#### Fourth Discourse.

On False Witness in Courts of Justice, and Evidence; in Philosophy, the Law of Nature, Nations, of God, the Civil, Canon, and Common Law, and Right Reason; a new and most useful Discourse,

Exod. xx. 16. *Thou shalt not bear false Witness against thy Neighbour.* Exod. xxiii. 1, 2, 7, *Thou shalt not raise a false Report; put not thy Hand with the Wicked to be an unrighteous Witness. Thou shalt not follow a Multitude to do Evil; neither shalt thou speak in a Cause, to decline after many, to wrest Judgment. Keep thee from a false Matter.* Prov. xiv. 25. xxix. 28. *A deceitful Witness speaketh Lies; and an ungodly Witness scorneth Judgment.* Mark



*xiv. 55, 56. We find that false Witnesses were  
sought against Jesus, but their Testimony agreed  
not together. Matth. xxvii. 13. Hearest thou  
not, how many Things they witness against  
thee? 1 Kings xxi. Set Sons of Belial before  
him, to bear witness against him; saying, thou  
didst blaspheme God and the King. Zech. viii.  
17. Let none imagine Evil; love no false Oath.  
Mal. iii. 5. I will be a swift Witness against false  
Swearers. 2 Tim. iii. 3. Without Affection,  
false Accusers.*

**T**HESE Texts cannot fairly be taken by particular Persons to themselves, (unless such as are *conscious*) because they are general Admonitions in common, from the Scripture, to all Mankind. The first is the ninth Commandment, built on that Love of Truth and Hatred of Falshood, which are Primary Duties of Natural Religion; corresponding to *Levit. xix. 11 to 18*, neither deal falsely, nor lye one to another; and ye shall not swear by my Name falsely, neither shalt thou profane the Name of thy God; I am the Lord; In Righteousness, shalt thou judge thy Neighbour; neither shalt thou stand against the Blood of thy Neighbour; thou shalt not hate thy Brother in thine Heart; thou shalt in any wise rebuke thy Neighbour, and not suffer Sin upon him; Thou shalt not Avenge, nor bear any Grudge against the Children of thy People; but shalt love thy Neighbour as thy self. Compar'd with *Revel. xxii. 15. without*, are Murderers, and whosoever loveth and maketh a Lye; therefore the Character of *Satan* is to be a **LYAR** and a **MURDERER** from the Beginning, a Rioter, with Sword, Pistol, and Affidavit, &c.

Please to observe the Connexion; from want of Moral Love to our Neighbour, that is, any Person in Society, or with whom we may transact (for the  
Word

Word, translated *Neighbour*, is, in the *Hebrew*,  
 רֵעַ *Amicus, Socius proximus, Friend, Companion*;  
 as well as *Neighbour*; from the Root רָעָה to feed,  
 or eat, with another) *Proximus, Neighbour, or*  
*nearest*, is, he with whom you immediately or near-  
 ly deal; from this want of Benevolence in Man to  
 Man, arises, bearing a Grudge, Avenging, raising  
 false Reports, following a Multitude to do Evil,  
 speaking to wrest Judgment, Lying, being a deceit-  
 ful, ungodly Witness, engaging Sons of Belial,  
 (weak and wicked contemptible Persons) to bear  
 Witness, imagining Evil, and from being without  
 Affection, and hating a Brother in the Heart, Men  
 soon pass to be false Accusers, and advance to be  
 Murderers; for, *Jam. i. 13, 19, 20*, Every  
 Man is tempted, when he is drawn away of his  
 own Lust. Then, when Lust, i. e. inordinate  
 Passion, or Love of Evil, hath conceived, it bring-  
 eth forth Sin, and Sin, when it is finish'd, bringeth  
 forth Death, Malice, false Witness, and Destruction,  
 are the natural Gradation, the Climax of Iniqui-  
 ty, the degrees of Descent to the Abyss of Perdition;  
 therefore, says St James, in that Chapter, do  
 NOT ERR, my beloved Brethren; for the Wrath of  
 Man worketh not the Righteousness of God. He  
 connects inordinate Passion, and Wrath of Man,  
 with Error, and Injustice; declaring, that the  
 and ill-will lead to Error, a Defect of Reason, and  
 Truth, as well as Unrighteousness; Falseness of the  
 Heart and of the Head, are apt to attend one ano-  
 ther; and both to disqualify a Man to be a Witness;  
 Malice and Passion are a Distraction, a Frenzy; he  
 that Indulges them is a MADMAN, they make the  
 Person Non Compos, incapacitate him for a Witness  
 of the Truth, and invalidate his Testimony; for,  
*Matt. xii. 34*. Out of the abundance of the Heart  
 the Mouth speaketh; An evil Man, out of the e-  
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vil Treasure of his Heart, bringeth forth evil Things.

*False Speaking* is, when the Expressions are not agreeable to the Meaning and Duty of the Speaker, or the Truth of Things; the former, strictly, is *Lying*: There is a Coherence, and Dependence, of this Commandment, on the Preceding, — *Thou shalt not steal*; for a *false Witness* will easily be induc'd to rob another of his Reputation, and Fortune, Quiet and Happiness; and it is a peculiar Fence to a Man's Name and Credit; for, *Prov. xxii. 1.* a good Name is rather to be chosen, than great Riches; and loving Favour rather than Silver and Gold. Yet, with *St Paul. 2 Cor. vi. 8.* we must be resolv'd to go through evil Report, and good Report, in the discharge of our Duty; tho' if we can unite, as he speaks, *Phil. iv. 8.* whatsoever Things are true, honest, and just, with whatsoever Things are of good Report, it will enable us to be *more useful*; for, indeed, one main Design of Malice and Envy is, when they observe a Person, who is the Object of them, master of a distinguish'd Capacity to be *useful*, to diminish and deface his Character, in order to render him totally insignificant and despicable to Mankind, and destroy him: True, a Man must regard the Favour of God, and the Approbation of his Conscience before the Testimony of Men, and rather lose the Report of a good Man in the World, than hazard the Test of his Conscience; yet, when they concur, it is the more desirable: Hence the Apostles Care, tho' esteem'd *Deceivers*, that they were true, *1 Cor. vi. 8.* And hence the Venom of *the malicious false Witness*, that the Slander tends to disable his doing Good, to make the Virtuous suspect him, and the Vicious, (who are the Majority) never speak well of him: Out of the Heart, says *Christ, Matth.*



xv. 19. proceed evil Thoughts, *false Witness*; the Original is, an immoral Inclination.

The Consequences are *Isa. xxix, 15. Jer. xviii, 18.* To dig deep; to hide their Counsel; to consult and devise against their Neighbour, how they may smite him with their Tongue; and evil Surmisings, or Suspicions, *1 Tim. vi. 4.* prejudicial to his Fame; taking upon them the Office of a Law-giver, to judge and condemn, before the Time, for some Words or Actions, from which no *necessary Conclusion* can be drawn; as well as for *secret Thoughts* and *doubtful Matters*, which may be directed to *good Ends*: False Witnesses may judge, in a furious, hasty, rash, precipitate Manner, not regarding what went before, or what follow'd; as in *Words heard*, not knowing or considering *the Phrases antecedent or consequent*, with other Circumstances of *Words interpos'd*, which may often VARY THE NATURE and SUBSTANCE of the *Proposition charged*: To be thus sudden and hasty in judging, is not to *testify in Judgment, Justice, and Truth*; not to be *qualify'd* for a *Witness*; such a one never gave, nor can give, nor be, a *true Evidence*; nor can those, who *amplify* or *aggravate* a *Fault*, or make it *greater* than it is: And the *next Fault* to false Witness, is that of those who hearken to it, as the *Thief and the Receiver* may be alike culpable, who delight to hear of Men's Imperfections, and have a Credulity, a Readiness to believe a Slander; as, in *Potiphar*, who directly condemn'd *Joseph* without Examination: *Solomon, Prov. xix. 5. and xxv. 18.* after he had said, that a false Witness shall not be *unpunish'd* (the Case of *HAMAN*) describes him, as a *Hammer*, a *Sword*, and a *sharp Arrow*; a *Hammer*, to any *Magistrate* whose Understanding he perverts, so that, like one astonish'd by a Blow on the Head, he does not readily know, how to make a right Determination; to any that encourages

him, a *Sword* to destroy, and a *sharp Arrow* to those against whom he *bears Witness*, which, like an Arrow, wounds him in his *Good Name, Life, or Property*.

*Contumelious and insolent Speaking, or Writing, or Scandal*, are another Kind of *false Witness*; the *Duty*, first, is to *reprove*. Groundless Suspicion is one Cause of it; a false Witness thinks, the same Sentiments and Affections, that arise in himself, are in others; he makes himself the Measure of judging other Men; and as his Dispositions are, so are his Suspicions; if he be ill-affected to any, every small Surmise makes a Conclusion: The Brethren of *Joseph* hated him, and every Dream encreased their Abhorrence; Suspicions naturally rise from slender Grounds, which ought to be examined; as, on the *Meanings* of Men, when God only knows the *Heart*; and when a Judgment is made on *Words*, it may be erroneous, ill-founded, in which the Party chiefly may hurt himself; he should endeavour to know the *Truth* before he applies them; and if, on Persons, he may *wrong* them, make them contemptible or *odious*; as, on the contrary, if they be cleared, it may gain them Credit; if they be innocent, the suspicious Censurer does an Injury, not to them only, but to others also; whereas, if he judges well of them, when they may deserve ill, it suits the Apostle's Rule, 2 *Cor.* xv. 5. that Charity is not suspicious, thinks no Evil. If a Case be DOUBTFUL, and MAY be taken in a GOOD SENSE, it is dangerous to conclude against a Man in a DUBIOUS INSTANCE; for *dubia in meliorem partem interpretanda*, doubtful Things are to be interpreted in the best Sense; but a *Witness* is not to be *hasty* in Judgment, for *Rashness* is the Parent of *Injustice*; God knew the Case of *Adam* and of *Sodom* before, yet, for our Example and Imitation, he first enquires, *Adam, where art thou?* and deliberates

liberates, *I will go down, and see, whether they have done according to the Cry*, Gen. iii. 9. and xviii. 21. But, in general, it is unlawful to act against any on a bare Suspicion; and, on the other Hand, the Prophet directs the innocent, *Isai. li. 7. Fear not their Reproaches.*

Hence may be deduc'd the proper Qualifications of *True Witnesses*, and the *Disabilities* of the *False*. First, from the Law of *Nature*, that is, of *Reason* and *moral Virtue*. A *Witness* is one who declares, asserts, or certifies *the Truth* of any Fact; *Evidence* is that Act of the Mind, and Clearness of the *Object*, by which it becomes apparent to the Understanding; it is that which *constitutes Truth* among Men, is the essential and infallible Character of *Truth*. There can be *no Evidence* in *false Propositions*, since the Assent we give to it is *necessary*, otherwise our Faculties would be false; for we necessarily love Truth and hate Error: *Evidence*, in *our Law*, is Proof, by which the Point in Issue is made *evident* to the *Jury*; i. e. the Reasons they see *evidently, plainly, NECESSARILY*, agreeable to the Matter in Question, and which they MUST therefore own to be *true*: *Proof* is the Medium or Argument used to evince the Truth of a Thing; the *Proof* is the *Means* by which we come at the *Truth* of the Matter proposed; and *that*, by which we are made *certain* of it; it is not the *Truth itself* of the Question; that is *previous*, in the *Object*, and even *Demonstration* is only for the Satisfaction of ourselves and others, that the Point *examined* is *true*; and an *Oath* is only the strongest Security and Asseveration which we can give, the highest Pledge of *our Veracity*; and, on the other hand, of our *Obligation*, in Society or Intercourse, *to be true*, in the point considered; it is no absolute Proof of the *Truth of the Thing* it self, but a relative *social Security*, that *we are true* in reporting



it AS IT IS in itself; for it is the NATURE of the OBJECT alone that is THE TRUTH; the *Evidence*, the *Affirmation*, the *Oath*, is the *Communication*, the *Expression*, the *Assertion* of it; to make it EVIDENT, clearly known to others; it does not follow, a Thing is true because it is sworn; it was true or false before, and the *Oath*, or any manner of *Testimony*, is the Affelevation of the Opinion and Perswasion of the *Affertor* or *Swearer*, that he thinks it true or false; only in an *Oath*, there is an Obligation, under penalty, to God as well as Men; and to prepare, instruct, or bring in a false *Witness*; or to corrupt, or allure a Person to it, is *Subornation of Perjury*.

*Certainty* is a *Quality* of the *Judgment*, strongly adhering to a Perswasion of the *Truth* or *Falshood* of the *Proposition* affirm'd or deny'd: *Truth* is the Agreement of a Proposition (*i. e.* Something affirm'd or deny'd) to the Nature and Reality of the Thing whereof it is spoken or thought; or, the joyning or separating *Signs*, as the Things signify'd by them agree or disagree one with another; *Ideas* and *Words* are those *Signs* in verbal Discourses on a mentioned *Plan*, that and they are only one *Proposition*, subdivided into many others, and into *Parts* of them; and none can swear to the whole *Truth* of that verbal *Proposition*, without knowing all the *Parts*, all the *Words* connected with such a *Plan*: It is evident, self-evident, that the whole *Truth* is the whole *Words*, else it is NOT EVIDENCE; (nor a Subject of *Information*, which ought to be on clear and certain *Knowledge*) all *Knowledge* being by *Comparison*; the whole must be compared to be known; the Word *Witness* being from the *Saxon*, *Weten*, to know; *Knowledge* is a *Perception* of the Agreement or Disagreement of our *Ideas*; their Identity, or Diversity, Relation to one another, their Co-existence or Being together,

ther, and their *Existence or Being itself*: It is from a *foregoing, clear, full Perception*, that a Man remembers *Ideas or Words*, so lodg'd in his Memory, that whenever they come to be reflected on again, the Mind assents to them *without Doubt or Hesitation*, is certain of the *Truth of them*; but he must be sure *no Part is left out*, which, in various *Parts*, and *long Deductions*, of a *mixt Kind*, and a *conceal'd Method*, may easily escape the Knowledge, and much more, the *Memory of a Witness*, in *cool Judgment*; much more in *Passion, Malice, Rage, Prejudice, Design, Interest, Partiality*, and *Precipitancy*; when the Mind will not, if it could, in bearing witness, of a *Discourse pronounced* for Instance, attend to *each Step* of a Discourse, has therefore *depriv'd itself wilfully* of the Means to *distinguish* any precise *Difference* of its *Parts and Meanings*, and has *no certain Standard* to measure them by, by not *knowing the whole Plan*, and its *Parts, Operations, and Propositions all compar'd*, nor being *able or desirous* to judge rightly of *Generals or Particulars*. This must produce a wilful *Obscurity and Confusion* in the *Ideas and Mind* of the *Witness*, which destroys *Clearness*, and therefore *Evidence*; for *evident Knowledge or Testimony, and clear*, are the same.

*Partiality* is a *partial Attention and Assent*, a *Consideration of, and Regard to*, a Man or his Discourse on *one Part or Side*, which inclines and determines the *Construction* of his Words or Practices to *that Part*, and does not consider the whole Man or the whole Question on all Sides, to make an *Evident, Total Judgment* of the *whole Truth*; a *Witness* can have *no Knowledge* farther than he has *Ideas*; if they be *narrow, rash, unwary, irrational* in the Understanding; if the *Will* be *vitious and immoral*, and the *Habit of Life* be *flagitious*, the *Ideas* are *defective*, the Dispositions  
ill-turn'd,

*ill-turn'd*, and Ignorance, Fury, Inadvertency, and Perverseness, together, disqualify a Witness, and defeat the Testimony: There is, in that Case, no *real Knowledge*, the *Evidence* is of *his own making*, his *Faith* is *implicit without Examination*; misleads the Mind, instead of guiding it into *Truth*; makes the *Knowledge imperfect, dark, confus'd, indistinct*. The Understanding is with-held from an accurate Survey of the whole Matter, by *Temerity* or *Obstinacy*, *Negligence*, *Impatience*, *Prejudice* against the Person; *Interest*, *Authority*, *Want of Ability*, *Want of Will* and *Sedateness*, or wrong *Measures of Judgment* and *Probability*; and the Testimony is no Evidence of the whole Truth, and nothing but the Truth; the *Assent* is blind, at least, on one Side, and the Party is no more *Judge* of a *Discourse* than a *blind Man* is of *Colours*; and at best, his Assertion is *doubtful*, not *evidently true*. It is not so much *as probable*, for the Imperfections and Vices of the *Mind*, *Will*, *Passions*, and *Life*, with the *Defects* of the *Object* not being, nor being *capable* of full, clear *Perception*, are *Certainties*, which out-weigh the Probability of his *making a true*, or giving an *honest Judgment*. The Understanding is *false*, as representing the *Thing* otherwise than *as it is*, and *ought to be*, the *whole Truth*, and *nothing but the Truth*; and the Declaration *fallacious*, because as to what *is*, in itself, *ambiguous*, and may be taken in another, or better Sense, it *will fix* it to the *most odious Construction*, from a Principle of *Hatred*.

Therefore he only is to be received as a *Witness*, who is worthy of *Credit*, in whom there is nothing that may render his Testimony suspected and ineffectual; in *his Manners* and *Nature*; his *Fortune*, his *Mind*, and *Condition*; in *his Manners*, if he *be malicious*, and has not only *declar'd a Hatred*, but *shewn and prov'd it*; in his *Nature*, if he be  
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precipitate, litigious, quarrelsome, cruel, obstinate, rash, partial, ignorant, prejudic'd, mischievous, double-dealing, giddy, inconsiderate: In *his Fortune*, if he plainly wants to repair or augment it by sinister insidious Methods, and make an Interest, a Dependence, for that Purpose: In his Mind, if his Passions be generally inordinate, criminal, and *disturb his Judgment*.

By the Law of *Nature*, as well as of *Christian Charity*, all are oblig'd rather to *favour him* who is *unjustly aggriev'd*, than *him* that *has aggriev'd* and *injur'd him*: A Proposition which, as it is plainly and incontestably true, will, it is hop'd, be duly consider'd and put in practice. When there are more Witnesses than one, their *Disagreement* will take away the Efficacy of the *Evidence* or *Proof*, not only in such Circumstances as vary the Substance of the Fact, or Words, or Propositions, but in many others. Men remarkable for Want of *Reason*, and who are *Enemies* to the Person accused, are disqualify'd to be *Witnesses*, and ought to be *repell'd*. Thus far we have proceeded by the Law of Nature, on the *Qualities* of proper Witnesses, or the contrary.

This is also the Foundation of judging by the Law of *Nations*, whatever renders a Man naturally unworthy of *Belief*, is a Rule in both. The Principles of the *Civil Law* are often justly used to interpret the Law of Nations; because the *Roman Law* was very extensive to various People, and is yet such in its Use. The Code of *Justinian*, Book IV, Title 20th, is entirely upon the Case of *Witnesses*. In that Title, in the 5th Law, it is decreed by *Dioclesian* and *Maximilian*, the Emperors, that it is a necessary Qualification of Witnesses to prefer the *Truth* to *all Favour and Power*, the Word is, *potentatui*, the Power of ANY POTENTATE, Prince, Minister, or Magistrate; so that, in *any Case*.

*Case*, where there is such a Regard to *Power*, the Witness is incapacitated by the Civil Law. Law 11th says, they who are Partners in a Crime, for Instance, Confederates in a Breach of the Peace, or a Riot, or in Testimonies cook'd up by Agreement, cannot be Witnesses of a Crime charg'd on that Occasion; for the Words of that Law do not *only* appear to mean Accomplices in the very same Crime, that *they* cannot be *Witnesses*. They who are not steady and exact in the Recital of Circumstances; who are disorder'd in Mind, unsteady in their Accounts, defective in Probity, or, who have composed a *defamatory Libel or Print* of a Person, or have any Interest or Respect for Superiors in their Testimony (see *Domat's Les Loix Civiles*, p. 248.) They who are suspected of an Inclination to hurt, or take part with such *as* are so disposed: They who are Adversaries to the Party: All these give just Cause to doubt of the Fidelity of their Testimony; as there is a reasonable Jealousy that their Passion may carry them to a Declaration injurious to the Defendant. The Judgment of *Witnesses*, by the *Civil Law* is, in such an Instance, by the Circumstances of the Quality of Persons, the Causes and Consequences of Enmity, and by the Result of other Proofs, what Regard we ought to have to the Fact of Enmity, to be reason'd: The Uncertainty and Variations of *Witnesses*, affirming Facts different or contrary, will cause them to be *rejected*. In *One Word*, the *Civil Law* enquires into the Condition of *Witnesses*, their Manners, Estate, Conduct, Integrity, and Reputation, whether they be *engaged* to Superiors, or Foes to the Party; whether they have great Hopes or Fears; whether their Testimony be sincere and unaffected; whether they be conformable to one another, and not confederated; whether their Contrarieties and Contradictions may render them suspected; whether the

the CONSEQUENCE of the Facts be such, that we ought to consider more exactly what may render the *Witness* suspected; or, whether the Ground be trivial in *itself*, or on a personal Pique; whether the Thing attested be *direct* or *meditated*; or some say one Thing, some another; whether a Witness has *deceiv'd himself* in the Knowledge of Persons, Circumstances, or *Facts*. These are the Restrictions of the Civil Law; but above all, that a *mortal Enemy* be not admitted to testify, nor such as are found in a Conspiracy. And it enquires, whether they testify upon the *Matter alledg'd*, or in a doubtful Manner, or without assigning a Cause or sufficient Reason of their Knowledge; whether they agree in the same Words, or in a premeditated Story; and other Points, which have been considered.

By the *Canon Law*, Witnesses, who are *Conspirators*, are deem'd as *capital Enemies*, and their Testimony disallow'd; otherwise, it proceeds on the Footing, generally, of the *Civil Law*. There are, in the Canon Law, in the *Decretals* of *Gregory IX.* two *Titles* on *Witnesses*, divided into many Chapters: In the *2d Book*, *Title 19th*, pointing out what Witnesses are to be *reprobated* or *repelled*, much on the aforesaid Principles; and something of the same Kind in the *Decrees*.

By the *Common Law* of *England*, *Evidence* is the Perspicuity or Clearness of Proof of a Point in Issue; and the Exceptions to Evidence are to be proposed by the *Counsellor* in Questions to the Witnesses; which, to an able and honest Counsellor, would include all the Disqualifications before mentioned: And upon the *Questions* of the *Counsellor* depends very much the Evidence, as to which, the Danger is, that a good Cause be not betray'd for want of proper, full, fair, undesigning, candid



Interrogatories ; that neither perplex, confound, overbear, or intimidate the Evidence.

The *Sum* of the whole is, That these Observations are not only *Religious*, arising from the Ninth Commandment, but are moral, highly useful to all Mankind, and the Grounds of discussing the Validity of *Evidence* by *suitable Examination*. That the *Disqualifications* of a Witness, are, raising false Reports, being unrighteous, wresting Judgment, being deceitful, speaking Lies ; Testimonies not agreeing, witnessing false, as against *Naboth*, thou didst blaspheme God and the King ; imagining Evil, loving a false Oath ; being without Affection, false Accusers ; standing against the Blood of their Neighbour, hating him in their Hearts, not rather rebuking him ; avenging, bearing a Grudge : Connecting the Character of a Lover of a Lye, and Maker of it, with that of a Murderer, like the Devil, the FIRST INFORMER and Accuser of the Brethren, from whence he has his Name *Διάβολος*, *Devil*, from want of Benevolence and Charity, and from sinful Passion indulg'd bringing forth Death, in this Order, Malice, false Witness, Destruction. Passion and Wrath leading to *Error* and Injustice, as to Reputation, Fortune, Life ; being a *Distraction*, a *Madness* ; by Slander, disabling the best Men to do good, making them suspected and ill spoken of ; from immoral Inclination, Evil Surmisings, judging before-hand, hastily, in a rash, furious, precipitate Manner, of secret Thoughts and doubtful Words, from which no necessary Conclusion can be drawn ; not minding what Words went before, or after, or were interpos'd ; changing the Substance and Sense of the Proposition, so not witnessing in Judgment, Justice and Truth ; making a Fault greater, and hearkening to Tales and Aggravations, with Credulity ; suddenly perverting the

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the Mind of the Judge, speaking with Contumely, Insolence and Scandal.

Led by evil Dispositions to suspect another's Meaning, known only to God ; not endeavouring to *consider* and know the Truth of Words, before he applies them ; not construing doubtful Things in the better Sense ; unable to give such *Evidence*, such Reasons, as are *plainly*, necessarily agreeable to the Point in Issue, which must be own'd to be true ; not reflecting, that even an Oath, in itself, is not a Proof of the Truth of the Thing, but only a stronger Assertion of it ; that the Nature of the Thing only is the Truth, and the Evidence is the Expression and Reasons that make it clearly evidently known to others ; that to engage a false Witness is Subornation ; that none can swear to the whole Truth in any Parts of verbal Discourses, which are on a mention'd Plan, without knowing the Plan and all the Parts, all the Words, identically and purely ; being *evident*, that the whole Truth is the whole Words, as they were, or it is *not Evidence* ; all Knowledge being by Comparison of Things, Ideas, Words, and Signs ; that it must be from a foregoing, clear, full Perception, without leaving out a Part, that a Witness must remember, or know certainly, which, in various mixt Parts, of a long Deduction on a concealed Method is impossible to prejudiced, rash, passionate Minds, and partial Wills ; when the Party will not, if he could, attend rightly ; and this disables him to judge of Generals or Particulars ; Confusion and Obscurity of Ideas from this, destroys Evidence, which is Clearness only ; and it is a Contradiction, that a partial Mind, bent to one Side and View, can see or evidence the whole Truth ; that none can know farther than he has Ideas ; when they are narrow, unwary, irrational, immoral, perverse, inadvertent, there is no Evidence ; it is then implicate, and misleads all Parties ;

ties ; it is not probable, the Number of Probabilities being against him, in all respects ; in the Nature of Things, his Understanding, Will, Passions, Manners, and Views ; that irrational Men and Enemies, are no Witnesses, and that all ought to countenance the Person wrong'd more than him that has wrong'd him ; that the Law of Nature, of Nations, the Civil, Canon Law, our Law of Evidence, is against such Witness ; that Regard to Power defeats Evidence ; and Confederacy in a Crime, and Unsteadiness, Inaccuracy in Circumstances, and Defamation, Interest or Prospect ; affirming Facts distinct or contrary ; Testimonies cook'd and chang'd by Concert ; whether from Pique, trivial, or of Consequence, direct or meditated, by Conspirators or capital Adversaries ; that these Considerations, and more, are Exceptions to Evidence, which, if Council, *i. e.* the Advocate, or the Court (for that is Council for the Defendant) be just to the minute Questions arising upon them, would do perfect Justice to all Mankind.

### Fifth Discourse.

Free Speaking on Trustees of Government no Sedition, but one Criterion between a free *English Protestant* Sway, and a *French Popish* Authority.

1 Kings xviii. 17, 18. *When Ahab saw Elijah, he said unto him, Art thou he that troubleth Israel? And he answered, I am not he that troubleth Israel, but thou and thy Father's House.*

SOME of the great Objections which are made by Protestants against Popery, are, *Implicite Faith, Suppression of Inquiry, Difficulties and Discouragements*



*couragements in the free Examination of Things, Restraints on Free-Thinking and Free-Speaking, Promotion of Ignorance, and Inquisition in the Search and Punishment of different Opinions.* Now, tho' it is my Judgment, and I undertake to prove, That the *Catholick Church or Society*, according to its Nature and Kind, and upon its Principles, is not more, if so much, liable to those Objections, as other Societies, according to their Nature and Kind, and upon their Principles; yet, *that* not being my present Design, I shall take this Opportunity to shew, That, if ever it should happen to be the Option of the People of *Great-Britain*, to make their Choice of a Government, whether they will, in one respect, chuse to submit to an *English Protestant Sway*, or to a *French Popish Rule*, one weighty and fundamental Reason, which may determine their Choice between them, will be, That in one, they may judge and talk freely on Matters in which they are more and more interested, and on Points of Trust and Confidence lodg'd by their voluntary Consent in their Superiors; and in the other, think they *have not that Liberty*. I affirm this is one essential Difference, that will be esteem'd by the Generality of those that are used to Liberty, to be one Balance in the Scale: It is the Case of *South-Britons*, as well as *North-Britons*. As far as this Consideration extends, the People will, probably, calling themselves a *Free People*, think they have a Right to judge and speak freely of the Behaviour of their Trustees, of the Disposal of their Money, of the State of their Liberty and Property, of the Actions and Characters of those that govern them, of the Debates and Votes of their Parliaments, of their Treaties and Engagements with foreign Powers, of their Affairs by Sea and Land, of the Use, Application, and Accounts of their Money and Expenses, and of all their Proceedings. Which, if some of them be not altogether proper

proper to be communicated to them, before or after the Time of their Transaction, that the Secret be not betray'd to the Enemy, or to a Disappointment, yet some general Reasons of the Measure might, without divulging or describing it, be not kept entirely in the Dark; and that after the Transaction, or the Danger of a Discovery, a full Account be given of it to those, whose Consent, as TRUSTORS, is requisite to the very Original and Essence of a free Government, and therefore to every Procedure in it. For no Trust of this kind is unlimited, unconditional, and totally absolute; but vested for the Sake of National Good, and therefore to be try'd by that Touchstone.

I shall not say a great deal at present of the Possibility of such an Option, or Choice of Subjection, happening between two Governments, or by what Means or Accidents it may arise, or not; whether by various Contingencies in the Events of Power on either Hand, influencing Hope or Fear; or by the Nature of Things, and the Operation of the interior or exterior Articles of the Civil System (considering the Ecclesiastical as a Part of it) on the Minds and Fortunes of the People; or by *unforeseen* Chances, I mean to many, not to a Government; which, or its Conductors, if they do not foresee every material Incident of a political Tendency, can neither be qualify'd to direct or succeed in it.

That such a Choice is not entirely impossible in itself, is evident; that very particular Changes and Revolutions of Government have appear'd in History, is notorious; that the upper Part of the *Dutch* Nation have been more inclin'd to *France* than *England*, has been suspected; that moderate Governments have become absolute, is known; that there have been Revolts and Defections of Nations, is not unknown, we have had one Instance something

thing like it in the last Revolution ; that Government is founded in Opinion is confess'd ; that publick Opinion is much guided by Liking or Dislike, and ought to be, by such as is reasonable, is as manifest ; that *Pagans*, from Natural Religion, or that of their Country, have turn'd *Catholic Christians*, is plain almost every where ; that a King may be pretty much a Protestant and a Papist at the same Time, is clear in King *Henry VIII.* who deny'd the Pope's Supremacy, yet always went to Mass, and died a Papist ; that Princes and Courts, as Politicians, are for that Religion that suits their Interest, is not much question'd ; that as one Elector of *Saxony* brought in *Luther* and the Reformation, so two others have quitted both for Popery again, is not contested ; that a Duke of *H.* and a Duke of *W.* turn'd Papists, and that an Empress of *G.* a-kin to them, did the same, History informs us ; that a Lady of a certain Court was bred in a certain Church, and after became a *Lutheran*, of her Husband's Religion, we all know ; as well as that others have been *Lutherans* or *Calvinists*, and then of the Church ; that King *Henry IV.* of *France* was a *Huguenot* and turn'd Catholic ; that *Sunderland*, King *James's* Minister, betray'd him, is Fact ; that Pope *Innocent Odescbalchi* was called a Protestant-Pope ; that King *W.* brought Popish Soldiers to turn out Popery, and at a Congress declared by his Minister, he never would cease the War till the King of *France* had done Justice to the Pope, is undeniable ; that King *Charles II.* and King *James II.* were for tolerating Dissenters, is plain ; that a Man may be of Six Religions a Day, and be a Protestant, is true, and 'tis only adding a Seventh, and he leaves the rest to be a Catholic ; and that Religions and Governments, States and Churches, have been chopping and changing, backwards and forwards,



wards, in as odd Vagaries as *Hussars* fight, or *Drunkards* dance, ever *since the Creation*, as the Divines say, or *before*, as the *Præadamites*, the *Chinese* and others fancy, is beyond Contradiction.

Therefore, as it is not impossible, in the *Thing*, so it is not, in *Fact*, that the Option or Choice of a new Religion and new Government, or Old-new, or New-old, may come in the Way of my good Countrymen, the People of *Great-Britain*; and that they are fond of *Novelty*, I know, or should not be forced to pump for it, to endeavour to please them, which I am and always was more ambitious of, than to be an Archbishop.

The Occasion of my chusing this Subject is, that in *November* the *Change of State*, called the *Revolution*, began more openly by a *Dutch Stadtholder's* arriving to be a sort of *English Stadtholder*, and then King; tho' at the Commencement of the Reign of K. *James II.* the People did not think of a *Revolution*; yet the *State-Back-Gamesters* in the Reign of King *Charles II.* labour'd it, when they were disappointed of the Bill of Exclusion.

To bar this Liberty of free judging and speaking on publick Matters, it has been alledged, that the People are no Judges of them, and that it would not be safe to allow it. As to the latter, I have only contended, that, in critical Cases, they may be inform'd, when the Danger of a premature Publication is over.—Otherwise a *French Government* might appear the same; nay, in *France*, the King himself discovers his Battles and Measures to the People in his own Letters, and the Proceedings of *France* are so public, that every News-writer tells us here every Step of the Cabinet, what Words pass'd, what Letters were sent from one Minister to another, what Intrigues are carry'd on, and what Mysteries are working. Consequently, we ought to know

know every Particular of *Secret Service, Intelligence, Conference, Treaty, and Management* : Otherwise a *French* Government, being more above-board, would have the Preference to a Free People.

As to the People's not being *Judges* of Political Matters, if they be not *really such*, they ought to pay *no Taxes* : Because, not being able to understand the *Reason and Nature of them*, or of the *Trust* they place in a Government, they cannot be desired to pay for what they can know nothing of ; nor make *Trustees* ; and being *Ignorants*, whose Estates ought to be *beg'd*, they ought not to be *burden'd* : For no Chancellor can take Care of all the Fools in a Kingdom, as the Multitude must be exceeding great, on this Supposition. And it would follow, that we could have *no Government* ; since they, who do not understand what *Power or Government* is, cannot be the Original of *Power and of Government*, as is the Principle of the Revolution, of the Whigs, and of Bp. Hoadly, &c. If this be try'd by a Majority of Votes, whether the People be the Judges of Government, the Ay's will have it ; for every Man will vote for himself, that he understands it ; which ought, by the same Reason, to include one as well as another. If a Child was ask'd, Whether his Godfathers should think and speak for him, and could speak himself, he would answer, No, and spoil the Catechism. If I have not a Right to judge for myself, another cannot have a Right to judge for me ; for we are all Men *Tax'd* alike ; one Man is as wise as another, when he is *told* ; as all ought to be : Or, take it t'other way, one Man is as great a Fool as another, then another can't judge for either of us. But that Man is a Fool to me, who thinks me Fool enough to be his *Cally* ; and therefore Fool the Second has

no more Right to judge than Fool the Firſt. Beſides, if I pay 4*s.* in the Pound, a Miniſter pays no more, and I have the ſame Challenge to take out my Pennyworth in judging as he has. He that goes to a Chandler's Shop, does not buy a Pound of Candles to give him *no Light*; and he that croſſes a Fortune-teller's Hand, expects to have the Secret told him for his Money, or to have it refunded; which would make the *beſt Fund* in the Kingdom, the RE-FUND.

If it be ſaid, That a Government is *above Common Senſe*, it is no Government for the *Common People*; and we cannot have any *House of Commons* nor *Community*, we are *excommunicated*. If it be *above Reason*, we have no *Reason* to have any thing to do with it, nor that with us. If it be *againſt Reason*, it is *againſt Conſent*, and againſt the fundamental Principles of the Conſtitution, which are built on *Reason*: No Government, but Anarchy, and worſe than mere Anarchy, conſider'd as a State of Nature, if *againſt Reason*: For, in a State of Nature, with all its Inconveniencies, there is ſtill *Natural Reason*, and *Natural Juſtice*.

If it be ſaid, That *not Reason, but Will*, ſhall effect all; *I will, becauſe I will*; you ſhall or ſhall not judge or ſpeak of this or that Subject, Political or Otherwiſe, (tho' Public Religion is Political, by Law eſtabliſh'd) then the Motto comes in, *Stat pro Ratione Voluntas, For Reason, Will*; or, the French King's Word, *Car tel eſt noſtre Plaiſir, For ſuch is our Will and Pleaſure*: And then, a French Popiſh Government may be equally eligible with an Engliſh Proteſtant Dominion; and more ſo, ſince it was a Part of the Original Contraẽt with an Engliſh Proteſtant Government, that the Truſtor ſhould think and ſpeak freely of the Truſtee:  
There-



Therefore the Violation of that Rule may create an Impossibility of farther Confidence in a Trustee that breaks his Trust, a consequent Exemption from the Obligation of farther believing him, lessen the Inclination to rely on one who has deceived and betray'd him, and therefore create an Inclination to chuse another, not so exceptionable.

This Argument is Eternal, Unchangeable, and Insuperable: All the Kings, Ministers, and Parliaments upon Earth, can never refute, nor therefore quell it: It will rise again for ever, and if Millions were to be imprison'd or slaughter'd for pursuing it, ten thousand Millions might revenge it, and destroy the Destroyers.

If it be said, that Political Matters may be freely thought of, but not spoke to the People; can a *French Popish Government* say more? or, where is the Difference? Is not this suppressing Knowledge, and the Means of improving and enlarging it, as much as it is charg'd on Popery, that it suppresses the Scripture? Would a Dissenter think it sufficient to reason within his own Mind on the Difference of his Sentiments, without the Liberty of Speaking, Writing, or Preaching about it? Or how could the *Jewish* Religion, the *Christian*, the *Reformation*, or the *Revolution* have been introduced, without speaking freely upon and against the several Governments and Authorities respectively settled before them? But it is a Fallacy, that Speaking freely of this or that Measure of Government, is speaking against that Government, much less against the Constitution: For the Government may subsist without those Measures; those Proceedings or Actions are incidental Failures, or Ills, not the Government itself, which is not infallible, not free from Failure; and the only Consequence is, that the Government

is thereby admonish'd to consider and rectify them, which is its Advantage and Security. If the Person be mistaken, he ought to be excused an Error on the Right hand, more being concern'd in the Subject of his Reprehension than in his Mistake, and he entitled to speak his Sentiments. *Words are not Actions*; *Overt-Words* and *Overt-Acts* differ in themselves, and in Law: No Words whatever ought to be punish'd, that do not infringe the Property, Liberty, or Reputation of one, who was no Aggressor. The Reputation of a Political Officer is what all are concern'd (because interested on a Trust) to examine and be free with; not that of a private Individual; the former no Libel, the latter may be: And if Statutes or Canons say the Contrary, they are, as all unreasonable Statutes and Canons are, no Laws, but void and null, as soon as pass'd, *ipso facto*. If speaking freely on Matters of State be call'd *seditious*, it ought to be consider'd what *Sedition* is, and whether they who charge it be not the *Seditious*, and the Accused innocent. Sedition is giving Cause or persuading to divide and make a Party or Faction, against a lawful Government acting truly according to the original Contract, in order to unjust Resistance by Force of Arms. He or they who give the Cause, who act oppositely in any one or more Instances, to that Contract, who afford the Object, the *real Crime*, the Subject Matter of that Complaint, are the *only Seditious*; not he who recites, or speaks upon it, in any Light whatsoever. A Rationalist, who would endeavour the Redress of a Grievance by Reason and dutiful Methods, is not, nor can be, a Seditiousist. He that speaks for lawful Resistance, as at the Revolution, is no Seditiousist. They must be the advisedly and deliberately malicious Speakers and Actors against

gainst the Trust of the original Contract, and its genuine Consequences, therefore against the BEING and ESSENCE of a GOOD and JUST Government, ONLY, exhorting and co-operating, by Overt-Acts also, with an illegal Party, to overturn it by unlawful Resistance, that are in this Case seditious, not mere Speakers of incidental Measures, or a Dislike of *some Articles*. By which Rule, if Ministers, or Magistrates, or Superiors furnish the Subject Matter, the Object, the Reality, that constitutes the Crime, they are guilty of Sedition, and abdicate their Trust. Rioters, Assassins, Confederates in false Oaths, and all that abet, countenance, encourage or instigate them, are such an illegal Party, guilty of Sedition, punishable as Outlaws, Promoters not only of Rebellion against the Laws, the Country, and the King, but of Anarchy, eradicating all Courts of Judicature, and all Government, Society, Virtue, and Religion: If any free Government should ever encourage such, it would be *felo de se*, be Anarchy, it would forfeit all Claim to that Allegiance which is only due to a constitutional Protection, by the original Contract; would be a Gang of Aggressors on the Subject, and on all Mankind, and make a State of Civil Community a State of Nature and of War, and give every Man a Right not only to say what he pleased of them, but to do what he pleased with them: Let *Sidney*, *Locke*, and the Writers, on Revolution-Principles, be the Judges. Bishop *Hoadly* wrote largely of the *Measures of Obedience* to the Magistrate, declaring, that out of these Measures, there ought to be no Obedience, and can be no Sedition. To conclude, all that infers Infallibility and implicate Faith in *Government*, is as much *Popery*, and tends to a *French Popish Government*, as the like in *Religion*; both *Religion* and *Government*



vernement being *political*, as both thought necessary to Society: So that free *English Protestant* Subjects have a Right, as such, to say what they please of Matters of Government under these Explanations, tho' not to do what they please: And if this Branch of Birth-right be taken away, the People will so far lose a Reason of chusing an *English Protestant*, before a *French Popish Government*. Besides, that the Restraint would rather create and encrease a Suspicion of Guilt, and it would be impossible to extinguish Free-speaking, which is a principal Sign of a Free Government; for in this, as well as other Cases, every Man is an *Orator*, and every Place an *Oratory*.

P O S T S C R I P T.

**I**N *Rosewell's Case*, a Dissenting Minister, pardon'd by King *Charles II.* 30 *Car. II.* on doubtful Evidence, even after a Sentence of High Treason, for Words preach'd, it was adjudged, *per totam Curiam*, That in an Information for Words, no Innuendo, Intendment or Meaning, could be rightly inserted, unless the Defendant was first directly averr'd to have mention'd the Person himself, to whom that Innuendo and Word is to be referr'd. In *Pressick's Case*, 32 *Car. II.* Words quoted as said by others were not treasonable, nor, therefore, seditious. Princes of superior Spirit like Preachers and Writers against them, as their best Friends, an Antidote to the Fatality of Flatterers, Knaves and Fools; as *Lewis XIV.* of *France* and *Charles II.* liked *F. Bourdaloue* and Bishop *Ken*. Many more Instances might be added; there never was a Libel against a Court that did not take its sole Significancy and Sting from the Prosecution of it; and it would be imprudent to portend the Fall of a State, by letting the World see, that Words can shake it.